

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAVID PONTECORVO,

Plaintiff,

vs.

CITY OF SEATTLE POLICE
DEPARTMENTMT, MICHAEL RENNER,
CHRISTINE NICHOLS, JOSEPH
MACCARONE, ALVARO FERREIRA, AND
JOHN AND JANE DOES 1-10,

Defendant.

)
)
) No.
)
) KING COUNTY SUPERIOR COURT
) CAUSE NO. 14-2-31049-8 SEA
)
) VERIFICATION OF STATE COURT
) RECORDS
)
)
)

VERIFICATION

The undersigned hereby declares the following:

1. The undersigned is counsel for defendant City of Seattle Police Department ("SPD").

VERIFICATION OF STATE COURT RECORDS - 1

Peter S. Holmes
Seattle City Attorney
600 Fourth Avenue, 4th Floor
PO Box 94769
Seattle, WA 98124-4769
(206) 684-8200

2. Pursuant to CR 101(b), attached are true and correct copies of all [excluding the records attached to the Notice of Removal] records and proceedings in the Superior Court of King County, Washington, Cause No. 14-2-31049-8 SEA:

<u>Ex.</u>	<u>Document</u>
------------	-----------------

- | | |
|----|---|
| 1. | Order Setting Civil Case Schedule; |
| 2. | Case Information Cover Sheet and Case Assignment Designation; |
| 3. | Notice of Appearance – Andrew Myerberg on behalf of City of Seattle; |
| 4. | Amended Notice of Appearance – Andrew Myerberg on behalf of City of Seattle Police Department and withdrawing as counsel for City of Seattle; and |
| 5. | King County Superior Court Docket for Cause No. 14-2-31049-8SEA. |

DATED this 15th day of December, 2014.

PETER S. HOLMES
Seattle City Attorney

By: s/Andrew Myerberg
Andrew Myerberg, WSBA #47746
Assistant City Attorney
Seattle City Attorney's Office
PO Box 94769
Seattle, WA 98124-4769
Ph: (206) 386-0077
Fax: (206) 684-8284
E-mail: andrew.myerberg@seattle.gov

Attorney for Defendant Seattle Police
Department

Exhibit 1

FILED

14 NOV 14 PM 3:06

KING COUNTY
SUPERIOR COURT CLERK
E-FILED
CASE NUMBER: 14-2-31049-8 SEA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

David Pontecorvo

Plaintiff(s),

vs.

City of Seattle Police Department,
et al

Respondent(s)

NO. 14-2-31049-8 SEA

ORDER SETTING CIVIL CASE SCHEDULE

ASSIGNED JUDGE: Hill, Holly R., Dept. 22

FILED DATE: 11/14/2014

TRIAL DATE: 12/21/2015

SCOMIS CODE: *ORSCS

A civil case has been filed in the King County Superior Court and will be managed by the Case Schedule on Page 3 as ordered by the King County Superior Court Presiding Judge.

I. NOTICES

NOTICE TO PLAINTIFF: The Plaintiff may serve a copy of this **Order Setting Case Schedule (Schedule)** on the Defendant(s) along with the **Summons and Complaint/Petition**. Otherwise, the Plaintiff shall serve the **Schedule** on the Defendant(s) within 10 days after the later of: (1) the filing of the **Summons and Complaint/Petition** or (2) service of the Defendant's first response to the **Complaint/Petition**, whether that response is a **Notice of Appearance**, a response, or a Civil Rule 12 (CR 12) motion. The **Schedule** may be served by regular mail, with proof of mailing to be filed promptly in the form required by Civil Rule 5 (CR 5).

"I understand that I am required to give a copy of these documents to all parties in this case."

PRINT NAME

SIGN NAME

I. NOTICES (continued)

NOTICE TO ALL PARTIES:

All attorneys and parties should make themselves familiar with the King County Local Rules [KCLCR] -- especially those referred to in this *Schedule*. In order to comply with the *Schedule*, it will be necessary for attorneys and parties to pursue their cases vigorously from the day the case is filed. For example, discovery must be undertaken promptly in order to comply with the deadlines for joining additional parties, claims, and defenses, for disclosing possible witnesses [See KCLCR 26], and for meeting the discovery cutoff date [See KCLCR 37(g)].

CROSSCLAIMS, COUNTERCLAIMS AND THIRD PARTY COMPLAINTS:

A filing fee of \$240 must be paid when any answer that includes additional claims is filed in an existing case.

KCLCR 4.2(a)(2)

A Confirmation of Joinder, Claims and Defenses or a Statement of Arbitrability must be filed by the deadline in the schedule. The court will review the confirmation of joinder document to determine if a hearing is required. If a Show Cause order is issued, all parties cited in the order must appear before their Chief Civil Judge.

PENDING DUE DATES CANCELED BY FILING PAPERS THAT RESOLVE THE CASE:

When a final decree, judgment, or order of dismissal of all parties and claims is filed with the Superior Court Clerk's Office, and a courtesy copy delivered to the assigned judge, all pending due dates in this *Schedule* are automatically canceled, including the scheduled Trial Date. It is the responsibility of the parties to 1) file such dispositive documents within 45 days of the resolution of the case, and 2) strike any pending motions by notifying the bailiff to the assigned judge.

Parties may also authorize the Superior Court to strike all pending due dates and the Trial Date by filing a *Notice of Settlement* pursuant to KCLCR 41, and forwarding a courtesy copy to the assigned judge. If a final decree, judgment or order of dismissal of all parties and claims is not filed by 45 days after a *Notice of Settlement*, the case may be dismissed with notice.

If you miss your scheduled Trial Date, the Superior Court Clerk is authorized by KCLCR 41(b)(2)(A) to present an *Order of Dismissal*, without notice, for failure to appear at the scheduled Trial Date.

NOTICES OF APPEARANCE OR WITHDRAWAL AND ADDRESS CHANGES:

All parties to this action must keep the court informed of their addresses. When a Notice of Appearance/Withdrawal or Notice of Change of Address is filed with the Superior Court Clerk's Office, parties must provide the assigned judge with a courtesy copy.

ARBITRATION FILING AND TRIAL DE NOVO POST ARBITRATION FEE:

A Statement of Arbitrability must be filed by the deadline on the schedule if the case is subject to mandatory arbitration and service of the original complaint and all answers to claims, counterclaims and cross-claims have been filed. If mandatory arbitration is required after the deadline, parties must obtain an order from the assigned judge transferring the case to arbitration. Any party filing a Statement must pay a \$220 arbitration fee. If a party seeks a trial de novo when an arbitration award is appealed, a fee of \$250 and the request for trial de novo must be filed with the Clerk's Office Cashiers.

NOTICE OF NON-COMPLIANCE FEES:

All parties will be assessed a fee authorized by King County Code 4A.630.020 whenever the Superior Court Clerk must send notice of non-compliance of schedule requirements and/or Local Civil Rule 41.

King County Local Rules are available for viewing at www.kingcounty.gov/courts/clerk.

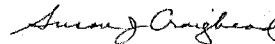
II. CASE SCHEDULE

✓	CASE EVENTS	DATE
	Case Filed and Schedule Issued.	11/14/2014
✓	Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing [See KCLMAR2.1(a) and Notices on page 2]. \$220 Arbitration fee must be paid	4/24/2015
✓	DEADLINE to file Confirmation of Joinder if not subject to Arbitration [See KCLCR 4.2(a) and Notices on page 2]	4/24/2015
	DEADLINE for Hearing Motions to Change Case Assignment Area [KCLCR 82(e)]	5/8/2015
	DEADLINE for Disclosure of Possible Primary Witnesses [See KCLCR 26(b)]	7/20/2015
	DEADLINE for Disclosure of Possible Additional Witnesses [KCLCR 26(b)]	8/31/2015
	DEADLINE for Jury Demand [See KCLCR 38(b)(2)]	9/14/2015
	DEADLINE for Change in Trial Date [See KCLCR 40(e)(2)]	9/14/2015
	DEADLINE for Discovery Cutoff [See KCLCR 37(g)]	11/2/2015
	DEADLINE for Engaging in Alternative Dispute Resolution [See KCLCR16(b)]	11/23/2015
	DEADLINE for Exchange Witness & Exhibit Lists & Documentary Exhibits [See KCLCR 4(i)]	11/30/2015
✓	DEADLINE to file Joint Confirmation of Trial Readiness [See KCLCR 16(a)(2)]	11/30/2015
	DEADLINE for Hearing Dispositive Pretrial Motions [See KCLCR 56;CR56]	12/7/2015
✓	Joint Statement of Evidence [See KCLCR 4(k)]	12/14/2015
	DEADLINE for filing Trial Briefs, Proposed Findings of Fact and Conclusions of Law and Jury Instructions (Do not file proposed Findings of Fact and Conclusion of Law with the Clerk)	12/14/2015
	Trial Date [See KCLCR 40]	12/21/2015

The ✓ indicates a document that must be filed with the Superior Court Clerk's Office by the date shown.

III. ORDER

Pursuant to King County Local Rule 4 [KCLCR 4], IT IS ORDERED that the parties shall comply with the schedule listed above. Penalties, including but not limited to sanctions set forth in Local Rule 4(g) and Rule 37 of the Superior Court Civil Rules, may be imposed for non-compliance. It is FURTHER ORDERED that the party filing this action **must** serve this *Order Setting Civil Case Schedule* and attachment on all other parties.



DATED: 11/14/2014

PRESIDING JUDGE

IV. ORDER ON CIVIL PROCEEDINGS FOR ASSIGNMENT TO JUDGE

READ THIS ORDER BEFORE CONTACTING YOUR ASSIGNED JUDGE.

This case is assigned to the Superior Court Judge whose name appears in the caption of this case schedule. The assigned Superior Court Judge will preside over and manage this case for all pretrial matters.

COMPLEX LITIGATION: If you anticipate an unusually complex or lengthy trial, please notify the assigned court as soon as possible.

APPLICABLE RULES: Except as specifically modified below, all the provisions of King County Local Civil Rules 4 through 26 shall apply to the processing of civil cases before Superior Court Judges. The local civil rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

CASE SCHEDULE AND REQUIREMENTS: Deadlines are set by the case schedule, issued pursuant to Local Civil Rule 4.

THE PARTIES ARE RESPONSIBLE FOR KNOWING AND COMPLYING WITH ALL DEADLINES IMPOSED BY THE COURT'S LOCAL CIVIL RULES.

A. Joint Confirmation regarding Trial Readiness Report:

No later than twenty one (21) days before the trial date, parties shall complete and file (with a copy to the assigned judge) a joint confirmation report setting forth whether a jury demand has been filed, the expected duration of the trial, whether a settlement conference has been held, and special problems and needs (e.g. interpreters, equipment, etc.).

The form is available at <http://www.kingcounty.gov/courts/superiorcourt.aspx>. If parties wish to request a CR 16 conference, they must contact the assigned court. Plaintiff's/petitioner's counsel is responsible for contacting the other parties regarding said report.

B. Settlement/Mediation/ADR

a. Forty five (45) days before the trial date, counsel for plaintiff/petitioner shall submit a written settlement demand. Ten (10) days after receiving plaintiff's/petitioner's written demand, counsel for defendant/respondent shall respond (with a counter offer, if appropriate).

b. Twenty eight (28) days before the trial date, a Settlement/Mediation/ADR conference shall have been held. FAILURE TO COMPLY WITH THIS SETTLEMENT CONFERENCE REQUIREMENT MAY RESULT IN SANCTIONS.

C. Trial: Trial is scheduled for 9:00 a.m. on the date on the case schedule or as soon thereafter as convened by the court. The Friday before trial, the parties should access the King County Superior Court website <http://www.kingcounty.gov/courts/superiorcourt.aspx> to confirm trial judge assignment. Information can also be obtained by calling (206) 205-5984.

MOTIONS PROCEDURES

A. Noting of Motions

Dispositive Motions: All summary judgment or other dispositive motions will be heard with oral argument before the assigned judge. The moving party must arrange with the hearing judge a date and time for the hearing, consistent with the court rules. Local Civil Rule 7 and Local Civil Rule 56 govern procedures for summary judgment or other motions that dispose of the case in whole or in part. The local civil rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

Non-dispositive Motions: These motions, which include discovery motions, will be ruled on by the assigned judge without oral argument, unless otherwise ordered. All such motions must be noted for a date by which the ruling is requested; this date must likewise conform to the applicable notice requirements. Rather than noting a time of day, the Note for Motion should state "Without Oral Argument." Local Civil Rule 7 governs these motions, which include discovery motions. The local civil rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

Motions in Family Law Cases not involving children: Discovery motions to compel, motions in limine, motions relating to trial dates and motions to vacate judgments/dismissals shall be brought before the assigned judge. All other motions should be noted and heard on the Family Law Motions calendar. Local Civil Rule 7 and King County Family Law Local Rules govern these procedures. The local rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

Emergency Motions: Under the court's local civil rules, emergency motions will be allowed only upon entry of an Order Shortening Time. However, emergency discovery disputes may be addressed by telephone call and without written motion, if the judge approves.

B. Original Documents/Working Copies/ Filing of Documents: All original documents must be filed with the Clerk's Office. Please see information on the Clerk's Office website at www.kingcounty.gov/courts/clerk regarding the new requirement outlined in LGR 30 that attorneys must e-file documents in King County Superior Court. The exceptions to the e-filing requirement are also available on the Clerk's Office website.

The working copies of all documents in support or opposition must be marked on the upper right corner of the first page with the date of consideration or hearing and the name of the assigned judge. The assigned judge's working copies must be delivered to his/her courtroom or the Judges' mailroom. Working copies of motions to be heard on the Family Law Motions Calendar should be filed with the Family Law Motions Coordinator. On June 1, 2009 you will be able to submit working copies through the Clerk's office E-Filing application at www.kingcounty.gov/courts/clerk.

Service of documents: E-filed documents may be electronically served on parties who opt in to E-Service within the E-Filing application. The filer must still serve any others who are entitled to service but who have not opted in. E-Service generates a record of service document that can be e-filed. Please see information on the Clerk's office website at www.kingcounty.gov/courts/clerk regarding E-Service.

Original Proposed Order: Each of the parties must include an original proposed order granting requested relief with the working copy materials submitted on any motion. Do not file the original of the proposed order with the Clerk of the Court. Should any party desire a copy of the order as signed and filed by the judge, a pre-addressed, stamped envelope shall accompany the proposed order.

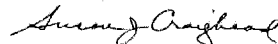
Presentation of Orders: All orders, agreed or otherwise, must be presented to the assigned judge. If that judge is absent, contact the assigned court for further instructions. If another judge enters an order on the case, counsel is responsible for providing the assigned judge with a copy.

Proposed orders finalizing settlement and/or dismissal by agreement of all parties shall be presented to the assigned judge or in the Ex Parte Department. Formal proof in Family Law cases must be scheduled before the assigned judge by contacting the bailiff, or formal proof may be entered in the Ex Parte Department. **If final order and/or formal proof are entered in the Ex Parte Department, counsel is responsible for providing the assigned judge with a copy.**

C. Form

Memoranda/briefs for matters heard by the assigned judge may not exceed twenty four (24) pages for dispositive motions and twelve (12) pages for non-dispositive motions, unless the assigned judge permits over-length memoranda/briefs in advance of filing. Over-length memoranda/briefs and motions supported by such memoranda/briefs may be stricken.

IT IS SO ORDERED. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER MAY RESULT IN DISMISSAL OR OTHER SANCTIONS. PLAINTIFF/PEITITONER SHALL FORWARD A COPY OF THIS ORDER AS SOON AS PRACTICABLE TO ANY PARTY WHO HAS NOT RECEIVED THIS ORDER.



PRESIDING JUDGE

Exhibit 2

FILED

14 NOV 14 PM 3:06

KING COUNTY
SUPERIOR COURT CLERK
E-FILED
CASE NUMBER: 14-2-31049-8 SEA

SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

David Pontecorvo

VS

City of Seattle Police Department, et al

NO. 14-2-31049-8 SEA

CASE INFORMATION COVER SHEET
AND AREA DESIGNATION

CAUSE OF ACTION

(PIN) - PERSONAL INJURY (PIN 2)

AREA DESIGNATION

SEATTLE - Defined as all King County north of Interstate 90 and including all of Interstate 90 right of way, all of the cities of Seattle, Mercer Island, Issaquah, and North Bend, and all of Vashon and Maury Islands.

Exhibit 3

The Honorable Hollis Hill

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

DAVID PONTECORVO,

Plaintiff,

vs.

CITY OF SEATTLE POLICE DEPARTMENT,
MICHAEL RENNER, CHRISTINE NICHOLS,
JOSEPH MACCARONE, ALVARO
FERREIRA, AND JOHN AND JANE DOES 1-

10,

Defendants.

No. 14-2-31049-8 SEA

NOTICE OF APPEARANCE

Clerk's Action Required

PLEASE TAKE NOTICE that, without waiving any objections as to improper service, process, jurisdiction, venue, or any other procedural insufficiencies under the Rules of Civil Procedure, Andrew Myerberg, Assistant City Attorney, appears as counsel of record on behalf of Peter S. Holmes, Seattle City Attorney, the attorney for defendant City of Seattle. As attorney of record, the undersigned request that all future papers and pleadings in this matter, except original process, be served at the address stated below.

Please make note that the Seattle City Attorney's Office **mailing address** is:

P.O. Box 94769
Seattle, WA 98124-4769

NOTICE OF APPEARANCE - 1

Peter S. Holmes
Seattle City Attorney
600 Fourth Avenue, 4th Floor
P.O. Box 94769
Seattle, WA 98124-4769
(206) 684-8200

1 Please further note that the **street/hand-delivery/messenger address** is:

2 600 Fourth Ave., 4th Floor
3 Seattle, WA 98104

4 The post office advises that any **mail** being delivered via the United States Postal Service
5 having an address other than the above-referenced P.O. Box will be returned to the sender.

6 DATED this 5th day of December, 2014.

7 PETER S. HOLMES
8 Seattle City Attorney

9 By: s/Andrew Myerberg
10 Andrew Myerberg, WSBA #47764
11 Assistant City Attorney
12 600 4th Avenue, 4th Floor
13 Seattle, WA 98124
14 Phone: (206) 386-0077
15 andrew.myerberg@seattle.gov

16 *Attorneys for Defendants*
17 *City of Seattle, Michael Renner, Christine Nichols,*
18 *Joseph Maccarone, and Alvaro Ferreira*
19
20
21
22
23

CERTIFICATE OF SERVICE

I certify that on the 5th day of December, 2014, I caused a true and correct copy of this document to be served on the following in the manner indicated below:

Daniel Fjelstad	<input type="checkbox"/> U.S. Mail
Scott Kinney & Fjelstad	<input checked="" type="checkbox"/> ABC Legal Messengers
600 University St., Ste 1928	<input type="checkbox"/> Faxed
Seattle, WA 98101-4115	<input type="checkbox"/> Via Email
<i>Attorney for Plaintiffs</i>	

s/Autumn Derrow
Autumn Derrow, Legal Assistant

Exhibit 4

The Honorable Hollis Hill

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

DAVID PONTECORVO,

Plaintiff,

vs.

CITY OF SEATTLE POLICE DEPARTMENT,
MICHAEL RENNER, CHRISTINE NICHOLS,
JOSEPH MACCARONE, ALVARO
FERREIRA, AND JOHN AND JANE DOES 1-
10,
Defendants.

No. 14-2-31049-8 SEA

AMENDED NOTICE OF APPEARANCE

Clerk's Action Required

PLEASE TAKE NOTICE that, without waiving any objections as to improper service, process, jurisdiction, venue, or any other procedural insufficiencies under the Rules of Civil Procedure, Andrew Myerberg, Assistant City Attorney, appears as counsel of record on behalf of Peter S. Holmes, Seattle City Attorney, the attorney for defendant Seattle Police Department. The undersigned withdraws as counsel for the City of Seattle, as this entity is not named as a defendant in this matter.

As attorney of record, the undersigned request that all future papers and pleadings in this matter, except original process, be served at the address stated below.

Please make note that the Seattle City Attorney's Office **mailing address** is:

NOTICE OF APPEARANCE - 1

Peter S. Holmes
Seattle City Attorney
600 Fourth Avenue, 4th Floor
P.O. Box 94769
Seattle, WA 98124-4769
(206) 684-8200

1 P.O. Box 94769
2 Seattle, WA 98124-4769

3 Please further note that the **street/hand-delivery/messenger address** is:

4 600 Fourth Ave., 4th Floor
5 Seattle, WA 98104

6 The post office advises that any **mail** being delivered via the United States Postal Service
7 having an address other than the above-referenced P.O. Box will be returned to the sender.

8 DATED this 12th day of December, 2014.

9 PETER S. HOLMES
10 Seattle City Attorney

11 By: s/Andrew Myerberg
12 Andrew Myerberg, WSBA #47746
13 Assistant City Attorney
14 600 4th Avenue, 4th Floor
15 Seattle, WA 98124
16 Phone: (206) 386-0077
17 andrew.myerberg@seattle.gov

18 *Attorney for Defendant Seattle Police Department*

CERTIFICATE OF SERVICE

I certify that on the 12th day of December, 2014, I caused a true and correct copy of this document to be served on the following in the manner indicated below:

Daniel Fjelstad Scott Kinney & Fjelstad 600 University St., Ste 1928 Seattle, WA 98101-4115 <i>Attorney for Plaintiffs</i>	<input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> ABC Legal Messengers <input type="checkbox"/> Faxed <input type="checkbox"/> Via Email
--	--

s/Autumn Derrow
 Autumn Derrow, Legal Assistant

Exhibit 5


[Courts Home](#) | [Search Case Records](#)

[Search](#) | [Site Map](#) | [eService Center](#)
[Home](#) | [Summary Data & Reports](#) | [Resources & Links](#) | [Get Help](#)

Superior Court Case Summary

Upcoming AOC Web Site Outages:

The AOC Web Sites and access to all AOC Web Applications such as JABS, eTicketing, JCS, BOXI, Search Case Records, etc. will be unavailable Sunday, December 14, 2014 from 8:00 am to 12:00 pm for system maintenance.

Court: King Co Superior Ct
Case Number: 14-2-31049-8

Sub	Docket Date	Docket Code	Docket Description	Misc Info
1	11-14-2014	COMPLAINT	Complaint	
2	11-14-2014	SET CASE SCHEDULE JDG0022	Set Case Schedule Judge Hollis R. Hill, Dept 22	12-21- 2015ST
3	11-14-2014	CASE INFORMATION COVER SHEET LOCS	Case Information Cover Sheet Original Location - Seattle	
4	11-14-2014	SUMMONS	Summons	
5	12-05-2014	NOTICE OF APPEARANCE	Notice Of Appearance /seattle Cty	
6	12-09-2014	AFFIDAVIT/DCLR/CERT OF SERVICE	Affidavit/dclr/cert Of Service	

About Dockets

About Dockets

You are viewing the case docket or case summary. Each Court level uses different terminology for this information, but for all court levels, it is a list of activities or documents related to the case. District and municipal court dockets tend to include many case details, while superior court dockets limit themselves to official documents and orders related to the case.

If you are viewing a district municipal, or appellate court docket, you may be able to see future court appearances or calendar dates if there are any. Since superior courts generally calendar their caseloads on local systems, this search tool cannot display superior court calendaring information.

Directions

King Co Superior Ct
 516 3rd Ave, Rm C-203
 Seattle, WA 98104-2361

Map & Directions

206-296-9100[Phone]

206-296-0986[Fax]

[Visit Website](#)

Disclaimer

What is this website? It is a search engine of cases filed in the municipal, district, superior, and appellate courts of the state of Washington. The search results can point you to the official or complete court record.

How can I obtain the complete court record?

You can contact the court in which the case was filed to view the court record or to order copies of court records.